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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,252	01/08/2004	Jonathan D. Bradford	02AB203A/ALBRP329USA	6745
7590 Susan M. Donahue Rockwell Automation, 704-P, IP Department 1201 South 2nd Street Milwaukee, WI 53204			EXAMINER WINDER, PATRICE L	
			ART UNIT 2445	PAPER NUMBER
			MAIL DATE 03/31/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/753,252

Applicant(s)

BRADFORD ET AL.

Examiner

PATRICE WINDER

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 8, 9, 13, 18-20, 22 and 30-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 8, 9, 13, 18-20, 22 and 30-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1,3,8,9,13,18-20,22,30-50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 8, 9, 13,18-20, 22, 30-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Pyotsia et al., USPN 7,010,294 B1 (hereafter referred to as Pyotsia).
[claim 1] Pyotsia taught a system that facilitates Web-based interaction with devices on disparate networks within industrial control systems (abstract), comprising:
a portal that interfaces to a plurality of disparate networks (web server 23 or 33), wherein at least one of the plurality of disparate networks is a non-TCP/IP network (HART/Field bus), wherein the portal invokes a browse engine to:
search the non-TCP/IP based network (Figures 4A-4C, column 5, lines 19-27);

discover at least one component located on the non-TCP/IP based network (column 8, lines 43-59), and

facilitate Web-based communications with the at least one component located on the non-TCP/IP-based network (column 5, lines 43-53).

[claim 4] Pyotsia taught the portal and the browse engines reside within a microprocessor based system (column 5, lines 43-53).

[claim 8] Pyotsia taught the portal provides a security mechanism that controls access to the at least one component located on the at least one non-TCP/IP based network (column 7, lines 4-12, 22-30).

[claim 9] Pyotsia taught the security mechanism is based on at least one of: a policy, a password, a firewall, a code, an identity, a log-on or an address (column 7, lines 4-12, 22-30).

[claim 13] Pyotsia taught a system that facilitates Web-based communication with industrial devices residing on disparate networks (abstract), comprising:

a gateway that facilitates access to at least one non-TCP/IP based network (web server 23 or 33); and

an arbitrator that searches the at last one non-TCP/IP based network (Figures 4A-4C, column 5, lines 19-27), discovers at least one industrial device residing the at least one non-TCP/IP network (column 8, lines 43-59) and provides information related to the at least one industrial device, wherein the information comprises at least one of: a manual, a log file, a history or a Web page (column 5, lines 37-53).

[claim 18] Pyotsia taught the arbitrator dynamically discovers at least one newly added or removed industrial device and dynamically updates the information (column 5, lines 37-53).

[claim 19] Pyotsia taught the arbitrator employs intelligence to discover the at least one industrial device, the intelligence employs at least one of: a statistic, a probability, a classifier or an interference (column 5, lines 23-37).

[claim 20] Pyotsia taught the gateway facilitates at least of: controlling the at least one industrial device, configuring the at least one industrial device, monitoring the at least one industrial device, or communicating with the at least one industrial device (column 5, lines 45-53).

[claim 22] Pyotsia taught the gateway comprises a configurable security component that verifies and validates authorization to one or more industrial devices (column 7, lines 4-12, 22-30).

[claim 30] Pyotsia taught a system that facilitates Web access to industrial devices residing on disparate networks (abstract), comprising:
means for interfacing Web functionality to at least one non-TCP/IP network (web server 23 or 33);
means for browsing the at least one non-TCP/IP based network (Figures 4A-4C, column 5, lines 19-27) and discovering one or more available device on the at least one non-TCP/IP based network (column 8, lines 43-59), wherein the means for interfacing routes messages to at least one or the one or more available devices (column 5, lines 37-43; column 8, lines 1-15).

[claim 31] Pyotsia taught the browse engine provides access to the at least one component located on the non-TCP/IP-based network (Figures 4A-4C, column 5, lines 19-27).

[claim 32] Pyotsia taught the portal enables selection of the at least one component located on the non-TCP/IP-based network and facilitates at least one of: monitoring the at least one component located on the non-TCP/IP-based network, controlling the at least one component located on the non-TCP/IP-based network, configuring the at least one component located on the non-TCP/IP-based network, or obtaining related information about the at least one component located on the non-TCP/IP-based network (column 5, lines 45-53).

[claim 33] Pyotsia taught the related information includes at least one of: a manual, a Web page, a code or a log (column 5, lines 37-53).

[claim 34] Pyotsia taught the portal and the browse engine reside within an Ethernet/IP-based module (column 5, lines 65-67; column 6, lines 1-2; column 7, lines 38-59).

[claim 35] Pyotsia taught the portal invokes the browse engine in response to at least one of: a request to access the at least one component located on the non-TCP/IP-based network, a request to identify the at least one component located on the non-TCP/IP-based network or a request to update status information about the at least one component located on the non-TCP/IP-based network (column 5, lines 23-53).

[claim 36] Pyotsia taught the request to access comprises at least one of: a request to control the at least one component located on the non-TCP/IP-based network, a request to configure the at least one component located on the non-TCP/IP-based network or a

request for information about the at least one component located on the non-TCP/IP-based network (column 5, lines 45-53).

[claim 37] Pyotsia taught the browse engine refreshes status information about the at least one component located on the non-TCP/IP-based network in real time in response to a request to update status information about the at least one component located on the non-TCP/IP-based network (column 8, lines 1-22).

[claim 38] Pyotsia taught the gateway provides an entry point to the at least one non-TCP/IP-based network via a standard TCP/IP-Web-based browser (column 5, lines 43-53).

[claim 39] Pyotsia taught the gateway establishes a connection with a Web client and initiates a search for at least one industrial device residing the at least one non-TCP/IP-based network (column 8, lines 60-67; column 9, lines 1-12).

[claim 40] Pyotsia taught the arbitrator queries at least one available non-TCP/IP-based network in response to the search (column 8, lines 30-49).

[claim 41] Pyotsia taught the arbitrator queries at least one particular non-TCP/IP-based network in response to the search (column 8, lines 30-49).

[claim 42] Pyotsia taught the arbitrator identifies at least one available industrial device in response to the search (column 9, lines 1-12).

[claim 43] Pyotsia taught the arbitrator identifies at least one particular industrial device in response to the search (column 9, lines 1-12).

[claim 44] Pyotsia taught the gateway presents results of the search (column 8, lines 66-67; column 9, lines 1-12).

[claim 45] Pyotsia taught the results of the search are at least one of: filtered or ranked (column 8, lines 66-67; column 9, lines 1-12).

[claim 46] Pyotsia taught the arbitrator periodically polls the at least one non-TCP/IP-based network to discover newly added or removed industrial devices (operation history, column 5, lines 37-53).

[claim 47] Pyotsia taught the arbitrator receives a message indicating the addition or removal of at least one industrial device (column 5, lines 37-53).

[claim 48] Pyotsia taught the arbitrator receives a request for at least one industrial device through the gateway, wherein the request includes an identification of the at least one industrial device (column 9, lines 1-12).

[claim 49] Pyotsia taught the information is utilized to determine whether the at least one industrial device is at least one of: coupled, configured or active (column 5, lines 29-39).

[claim 50] Pyotsia taught the means for interfacing receives a query for at least one device and the means for browsing discovers the at least one device in response to the query (column 8, lines 66-67; column 9, lines 1-12).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White et al., USPN 6,574,681: taught a network platform that integrates TCP/IP enterprise network with a plurality of field device networks.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICE WINDER whose telephone number is (571)272-3935. The examiner can normally be reached on Monday-Friday, 12:00 pm - 8:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/
Primary Examiner, Art Unit 2445

March 29, 2010